

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.3050 of 2007

(Yogesh s/o Namdeorao Gonnade v. State of Maharashtra and others)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

Shri R.R. Shrivastava, Advocate for Petitioner.
Shri N.S. Khubalkar, AGP for Respondent No.1.
Shri C.S. Kaptan, Advocate for Respondents No.3 and 4.

Coram : A.H. Joshi & R.C. Chavan, JJ.

Dated : 13th July, 2007

1. The petitioner claims that unless nine casual vacancies, which have occurred due to setting aside the elections of councillors on account of invalidation of their caste claim, now since all 136 seats of councillors are not filled, therefore, it cannot be said that the Corporation is duly constituted.

2. On the basis of this submission and other submission of the petitioner further claims that he has a right to contest the election of the councillor and when elected as councillor he would be eligible to contest for the seat of Mayor, he, therefore, claims that the election to the Mayor be stayed.

3. We find that the petitioner's claim is not based on

any legal right and is based on hypothesis.

4. The petition does not call for any interference and it is, therefore, rejected.

JUDGE

JUDGE.

Pdl.